

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) Docket No. 14-0001
Real Pets Corporation)
)
Respondent) Consent Decision



This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent willfully violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Real Pets Corporation hereafter referred to as the Respondent, is a corporation with an address of 14 Hayloft Road, Denver, Pennsylvania 17517. The registered agent for the Respondent is M. Burr Keim Company, 2012 Arch Street, Philadelphia, Pennsylvania 19103.

B. The Respondent, at all times material herein, was licensed and operating as a dealer as defined in the Act and the regulations. The Respondent's license number is 23-B-0060.

Conclusion

The Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent, its agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder, and in particular, shall cease and desist from:

A. Failing to store supplies of food and bedding to protect such supplies against spoilage or deterioration;

B. Failing to provide for the removal and disposal of animal and food wastes, bedding, dead animals, and debris in order to minimize vermin infestation, odors, and disease hazards;

C. Failing to feed animals on a daily basis food that was free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animals;

D. Failing to provide on a daily basis sufficient potable water to animals;

E. Failing to sanitize all dirty watering receptacles;

F. Failing to provide housing facilities for animals that are structurally sound and are maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animal;

G. Failing to provide for the removal and disposal of animal and food wastes, bedding, dead animals, and debris in order to minimize vermin infestation, odors, and disease hazards;

H. Failing to transfer animals that are in primary enclosures that are soiled or wet to a degree that might be harmful or uncomfortable to clean primary enclosures;

I. Failing to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine;

J. Failing to utilize a sufficient number of employees to maintain the prescribed level of husbandry practices;

K. Obtaining animals from a person who is required to be licensed under the Act but who does not hold a license;

L. Failing to eliminate rapidly, excess water from indoor housing facilities;

M. Failing to provide for the removal and disposal of animal and food wastes, bedding, dead animals, trash and debris;

N. Failing to keep clean and sanitized self-feeders at least once every 2 weeks;

O. Failing to adequately ventilate indoor housing facilities for animals;

P. Failing to remove excreta from primary enclosures and when enclosures are cleaned by hosing or flushing to provide adequate measures to protect the animals confined in such enclosures from being directly sprayed with the stream of water or wetted involuntarily;

Q. Failing to handle animals as expeditiously and carefully as possible and in such a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort to the animals;

R. Failing to provide animals with the minimum amount of floor space in any primary enclosure as required by the regulations;

S. Failing to keep the premises (buildings and grounds) clean, free of accumulation of trash and in good repair;

T. Failing to house animals in compatible groups;

U. Failing to provide a suitable nest box containing clean

nesting material to an animal with a litter less than one month of age;

V. Failing to construct and maintain primary enclosures so as to provide sufficient space for the animals to make normal postural adjustments with adequate freedom of movement; and

W. Failing to protect animals in primary enclosures that were soiled or wet to a degree that might be harmful or uncomfortable to the animals therein due to leakage of the watering system, discharges from dead or dying animals, spoiled perishable foods, or moisture condensation by transferring the animals to a clean primary enclosure.

2. The respondent is assessed a civil penalty of \$59,000 of which all except for \$15,000 is suspended provided that the Respondent complies with all of the requirements in the Act, the regulations and this consent decision for two years. The civil penalty shall be paid by a certified check or money order made payable to the Treasurer of United States. The notation "AWA Dkt. No.14-0001" shall appear on the check or money order.

3. The Respondent's license is suspended for 30 days and continuing thereafter until the respondent demonstrates to the Animal and Plant Health Inspection Service that it is in full compliance with the Act, the regulations and standards issued thereunder, and this order. The suspension shall start on April 1, 2014.

The provisions of this order shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.

[REDACTED] 3/4/2014

(Title)
for the Respondent

[REDACTED] 3/9/2014
Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this 6th day of March, 2014

[REDACTED]
Administrative Law Judge